



David A. Brooks
Associate Counsel
Law Department

August 3, 2017

VIA EMAIL AND REGULAR MAIL

Ann Finnegan, Life Scientist
U.S. Environmental Protection Agency, Region 2
Pesticides and Toxic Substances Branch
2890 Woodbridge Avenue, MS-105
Edison, New Jersey 08837

Re: In the Matter of Consolidated Edison Company of New York, Inc.
U.S. E.P.A. Docket No. TSCA-02-2017-9201

Dear Ms. Finnegan:

Pursuant to the Consent Agreement and Final Order, Consolidated Edison Company of New York, Inc. made a payment of \$82,275 to the United States Environmental Protection Agency on August 2, 2017 by electronic funds transfer in connection with the above referenced matter.

Very truly yours,

David A. Brooks

cc: Lynn L. Bergeson, Esq.
 Andrea Schmitz
 Carolyn W. Jaffe, Esq.
 (all via e-mail)

Consolidated Edison Company of New York, Inc.

4 Irving Place – Room 1815–S New York, NY 10003 Phone: 212 460 2532 Fax: 212 677-5850 BrooksDa@coned.com



David A. Brooks
Associate Counsel
Law Department

July 7, 2017

VIA FEDERAL EXPRESS

Ms. Ann Finnegan
United States Environmental Protection Agency – Region 2
Pesticides and Toxic Substances Branch
2890 Woodbridge Avenue – MS105
Edison, NJ 08837

**Re: In the Matter of Consolidated Edison Company of New York, Inc.
 U.S. EPA Docket No. TSCA-02-2017-9201**

Dear Ms. Finnegan:

Enclosed is the Consent Agreement and Final Order in connection with the above referenced matter executed on behalf of Consolidated Edison Company of New York, Inc.

Thanks for your attention to this matter.

Very truly yours,

David A. Brooks



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
2890 WOODBRIDGE AVE.
EDISON, NEW JERSEY 08837

JUL 17 2017

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Andrea Schmitz, Vice President
Environment, Health and Safety
Consolidated Edison Company of New York, Inc.
4 Irving Place
New York, NY 10003-3598

Re: Consent Agreement Issued Under the Toxic Substances Control Act - TSCA-02-2017-9201

Dear Ms. Schmitz:

Enclosed is a fully executed copy of the Administrative Consent Agreement and Final Order in the above-referenced proceeding, signed by the Acting Regional Administrator of the U.S. Environmental Protection Agency, Region 2.

Please note that the thirty (30) day period for payment of the civil penalty commenced as of the date this Consent Agreement was signed by the Regional Administrator. Please arrange for payment of this penalty according to the instructions given within the enclosed document under "Terms of Consent Agreement". Further, please ensure that a copy of the payment check or other reasonable proof that such payment has been made is promptly mailed to:

Ann Finnegan, Life Scientist
Pesticides and Toxic Substances Branch
2890 Woodbridge Avenue, MS-105
Edison, NJ 08837

Please contact Ms. Finnegan at (732) 906-6177, or by electronic mail at finnegan.ann@epa.gov, should you have any questions regarding this matter.

Sincerely,

John Gorman, Chief
Pesticides and Toxic Substances Branch

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

JUL 17 2017

-----X	:	
In the Matter of	:	
	:	
Consolidated Edison Company	:	<u>CONSENT AGREEMENT</u>
of New York, Inc.,	:	<u>AND</u>
	:	<u>FINAL ORDER</u>
Respondent.	:	
	:	
Proceeding under the Toxic Substances	:	Docket No.
Control Act, 15 USC §§ 2601-2697 et seq.	:	TSCA-02-2017-9201
As amended ("TSCA")	:	
-----X	:	

PRELIMINARY STATEMENT

This administrative proceeding for the assessment of a civil penalty was instituted pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a). The Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits, 40 C.F.R. Part 22 (hereinafter "Consolidated Rules"), provide in 40 C.F.R. § 22.13(b) that when the parties agree to settle one or more causes of action before the filing of an Administrative Complaint, a proceeding may be simultaneously commenced and concluded by the issuance of a Consent Agreement and Final Order ("CAFO") pursuant to 40 C.F.R. §§ 22.18(b)(2) and (3).

The Director of the Division of Enforcement and Compliance Assistance, United States Environmental Protection Agency, Region 2 (hereinafter "EPA" or "Complainant"), alleges that Consolidated Edison Company of New York, Inc. (hereinafter "Respondent") violated Section 6(e) of TSCA, 15 U.S.C. § 2605(e), and the regulations promulgated pursuant to that Section, set forth at 40 C.F.R. Part 761, relating to polychlorinated biphenyls ("PCBs") and Section 15(1) of TSCA, 15 U.S.C. § 2614(1).

EPA and Respondent agree that settling this matter by entering into this CAFO pursuant to 40 C.F.R. § 22.13(b) and 40 C.F.R. §§ 22.18(b)(2) and (3), is an appropriate means of resolving

this case without further litigation. This CAFO is being issued pursuant to said provisions of 40 C.F.R. Part 22. No formal or adjudicated findings of fact or conclusions of law have been made. The following constitute Complainant's findings of fact and conclusions of law.

FINDINGS OF FACT

1. Respondent is Consolidated Edison Company of New York, Inc.
2. On July 3, 2016, September 20, 2016, and November 7, 2016, Respondent notified EPA of certain facts and circumstances that may have constituted violations of certain provisions of the PCB regulations at 40 CFR Part 761 regarding the storage, manifesting, and disposal of PCB waste.
3. By letter dated July 27, 2016, Cycle Chem, Inc. of Elizabeth, New Jersey (hereinafter "Cycle Chem") notified EPA that Respondent had shipped PCB waste to them without fully identifying it on the manifest.
4. As a result of EPA's review of the information described in paragraphs 2 and 3, above, EPA determined that Respondent had committed several violations of the regulations at 40 CFR Part 761 regarding the storage, manifesting, and disposal of PCB waste, as described in paragraphs 5 through 9, below.
5. During the period November 23, 2015 to September 19, 2016, Respondent stored PCB bulk product waste (coal tar wrap) at Respondent's College Point Service Center in Flushing, New York for more than the 180 days allowed under the extended storage approval issued to Respondent by EPA Region 2 on September 21, 2012 (hereinafter "Respondent's extended storage approval") pursuant to 40 C.F.R. § 761.65(c).
6. On or about June 25, 2016, Respondent shipped PCB waste from its Farrington Street Flush Truck Waste Transfer Facility in Flushing, New York to Clean Earth of North Jersey (hereinafter "Clean Earth") in Kearny, New Jersey for off-site disposal without identifying the material as PCB waste on EPA Manifest form 8700-22 in accordance with the specifications and requirements of 40 C.F.R. § 761.207(a).
7. On or about July 16, 2016 to July 19, 2016, Respondent shipped PCB remediation waste from the clean out of several of Respondent's underground structures located within its service territory in the Bronx, New York and Westchester County, New York to Cycle Chem for

off-site disposal without identifying the material as PCB waste on EPA Manifest form 8700-22 in accordance with the specifications and requirements of 40 C.F.R. § 761.207(a).

8. On or about October 13, 2016 to October 20, 2016, Respondent shipped PCB remediation waste from the clean out of several of Respondent's underground structures located within its service territory in Brooklyn and Queens, New York to Clean Earth for off-site disposal without identifying the material as PCB waste on EPA Manifest form 8700-22 in accordance with the specifications and requirements of 40 C.F.R. § 761.207(a).

9. On or about October 21, 2016, the PCB remediation waste described in paragraph 8, above, was disposed of at Waste Management Inc.'s GROWS Landfill facilities located in Tullytown and Morrisville, Pennsylvania in a manner not authorized under 40 C.F.R. § 761.61(a)(5)(i)(B)(2)(iii).

10. On February 15, 2017, the parties met for an informal settlement conference prior to the issuance of any enforcement action.

CONCLUSIONS OF LAW

1. Respondent, as the owner and/or operator of the facilities which are the subject of this CAFO, is subject to the regulations and requirements pertaining to PCBs and PCB Items promulgated pursuant to Section 6(e) of TSCA, 15 U.S.C. § 2605(e), and set forth at 40 C.F.R. Part 761.

2. Respondent is a "person" within the meaning of 40 C.F.R. § 761.3.

3. Storage of PCB bulk product waste for more than 180 days is a violation of Respondent's extended storage approval and the regulations at 40 C.F.R. § 761.65(c), which is a violation of Section 6(e) and Section 15(1)(C) of TSCA, 15 U.S.C. §§ 2605(e) and 2614(1)(C).

4. Failure to identify PCB waste submitted for off-site disposal on EPA Manifest form 8700-22 is a violation of 40 C.F.R. § 761.207(a), which is a violation of Section 6(e) and Section 15(1)(C) of TSCA, 15 U.S.C. §§ 2605(e) and 2614(1)(C).

5. Disposal of PCB remediation waste in a manner not authorized by 40 C.F.R. § 761.61(a)(5)(i)(B)(2)(iii) is a violation of 40 C.F.R. § 761.61(a), which is a violation of Section 6(e) and Section 15(1)(C) of TSCA, 15 U.S.C. §§ 2605(e) and 2614(1)(C).

TERMS OF CONSENT AGREEMENT

Based on the foregoing, and pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a) and in accordance with the Consolidated Rules at 40 C.F.R. Part 22, it is hereby agreed by and between the parties hereto, and accepted by Respondent, that Respondent voluntarily and knowingly agrees to, and shall comply with, the following terms:

1. For the purposes of this Consent Agreement, Respondent (a) admits that EPA has jurisdiction pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a), to commence a civil administrative proceeding for the violations alleged in the "Conclusions of Law" section, above; (b) neither admits nor denies the specific factual allegations contained in the "Findings of Fact" section, above; and (c) neither admits nor denies the assertions set forth in the "Conclusions of Law" section, above.

2. Respondent shall pay, by cashier's or certified check, a civil penalty in the amount of **EIGHTY TWO THOUSAND TWO HUNDRED AND SEVENTY FIVE DOLLARS (\$82,275.00)** to the "Treasurer of the United States of America". The check shall be identified with a notation of the name and docket number of this case, set forth in the caption on the first page of this document. Such check shall be mailed to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, MO 63197-9000

Alternatively, payment may be made by Electronic Funds Transfer (EFT) directed to the Federal Reserve Bank of New York. Respondent shall provide the following information to its remitter bank:

- 1) Amount of Payment;
- 2) SWIFT address: FRNYUS33, 33 Liberty Street, New York, NY 10045;
- 3) Account: 68010727;
- 4) ABA number: 021030004;
- 5) Field Tag 4200 of the Fedwire message should read "D 68010727 Environmental Protection Agency";
- 6) Name of Respondent; and
- 7) Docket Number.

Payment must be received at the above address (or account of EPA) on or before **30 calendar days** from the date of the signature of the Final Order at the end of this document (the date by which payment must be received shall hereinafter be referred to as the "due date").

a. Failure to pay the penalty in full according to the above provisions will result in the referral of this matter to the U.S. Department of Justice or the U.S. Department of the Treasury for collection.

b. Further, if payment is not received on or before the due date, interest will be assessed, at the annual rate established by the Secretary of the Treasury pursuant to the Debt Collection Act, 31 U.S.C. § 3717, on the overdue amount from the due date through the date of payment. In addition, a late payment handling charge of \$15 will be assessed for each 30-day period (or any portion thereof) following the due date in which the balance remains unpaid. A 6% per annum penalty also will be applied on any principal amount not paid within 90 days of the due date.

3. Full payment of the penalty described in paragraph 3, above, shall fully and finally resolve Respondent's liability for federal civil penalties for only the violation(s) and fact(s) described in the "Findings of Fact" and "Conclusions of Law" sections, above. Full payment of this penalty shall not in any case affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. Respondent has read the Consent Agreement, understands its terms, finds it to be reasonable, and consents to its issuance and its terms. Respondent consents to the issuance of the accompanying Final Order. Respondent agrees that all terms of settlement are set forth herein.

4. Respondent explicitly and knowingly consents to the assessment of the civil penalty as set forth in this Consent Agreement, and agrees to pay the penalty in accordance with the terms of this Consent Agreement.

5. Respondent hereby waives its right to seek or to obtain any hearing (pursuant to Subpart D of 40 C.F.R. Part 22) or other judicial proceeding on the assertions contained in the "Findings of Fact" section, above, and the allegations contained in the "Conclusions of Law" section, above, or on any allegations arising thereunder.

6. Respondent agrees not to contest the validity or any term of this Consent Agreement and Final Order in any action brought: a) by the United States, including EPA, to enforce this Consent Agreement or Final Order; or b) to enforce a judgment relating to this Consent Agreement and Final Order. Any failure by Respondent to perform fully any requirement herein will be considered a violation of this Consent Agreement and Final Order, and may subject Respondent to a civil judicial action by the United States to enforce the provisions of this Consent Agreement and Final Order. Respondent further waives any right it may have to appeal this Consent Agreement and the accompanying Final Order.

7. This Consent Agreement does not waive, extinguish, or otherwise affect Respondent's obligation to comply with all applicable federal, state, or local laws, rules, or regulations, nor shall it be construed to be a ruling on, or a determination of, any issue related to any federal, state, or local permit. This Consent Agreement and Final Order does not waive, extinguish, or otherwise affect Respondent's obligation to comply with all applicable provisions of TSCA and the regulations promulgated thereunder.

8. Each undersigned signatory to this Consent Agreement certifies that he or she is duly and fully authorized to enter into and ratify this Consent Agreement and all terms and conditions set forth in this Consent Agreement.

9. Each party shall bear its own costs and fees in this matter.

10. Any responses, documentation, and other communications submitted to EPA in connection with this Consent Agreement shall be sent to:

Ann Finnegan, Life Scientist
U.S. Environmental Protection Agency, Region 2
Pesticides and Toxic Substances Branch
2890 Woodbridge Avenue, MS-105
Edison, NJ 08837

Unless the above-named EPA contact is later advised otherwise in writing, EPA shall address any future written communications related to this matter (including any correspondence related to payment of the penalty) to Respondent at the following address:

Andrea Schmitz, Vice President
Environment, Health and Safety
Consolidated Edison Company of New York, Inc.
4 Irving Place
New York, NY 10003-3598

11. Respondent consents to service upon Respondent of a copy of this Consent Agreement and Final Order by an EPA employee other than the Regional Hearing Clerk.

RESPONDENT:

BY: Carolyn W. Jaffe
Consolidated Edison Company of New York, Inc.

NAME: CAROLYN W. JAFFE
(PLEASE PRINT)

TITLE: Associate General Counsel

DATE: 7/7/17

COMPLAINANT:

Dore LaPosta
Dore LaPosta, Director
Division of Enforcement and
Compliance Assistance
U.S. Environmental Protection
Agency, Region 2
290 Broadway
New York, New York 10007

DATE: 7/12/17

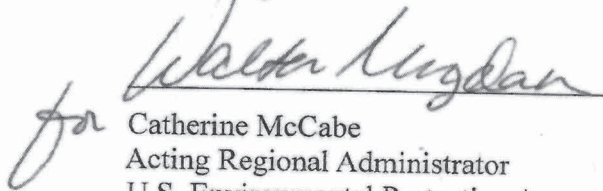
In the Matter of Consolidated Edison Company of New York, Inc.
Docket Number TSCA-02-2017-9201

FINAL ORDER

The Regional Administrator of the U.S. Environmental Protection Agency, Region 2, concurs in the foregoing Consent Agreement in the case of In the Matter of Consolidated Edison Company of New York, Inc., bearing Docket Number TSCA-02-2017-9201. Said Consent Agreement, having been duly accepted and entered into by the parties, shall be, and hereby is, ratified, incorporated into and issued, pursuant to the authority of 40 C.F.R. § 22.18(b)(3), as this Final Order, which shall become effective when filed with the Regional Hearing Clerk of EPA, Region 2 (40 C.F.R. § 22.31(b)).

DATE:

July 12, 2017



for Catherine McCabe
Acting Regional Administrator
U.S. Environmental Protection Agency, Region 2
290 Broadway
New York, New York 10007



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
2890 WOODBRIDGE AVENUE
EDISON, NEW JERSEY 08837-3679

JUN 14 2017

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Andrea Schmitz, Vice President
Environment, Health and Safety
Consolidated Edison Company of New York, Inc.
4 Irving Place
New York, NY 10003-3598

Re: Consent Agreement Under the Toxic Substances Control Act
Docket Number TSCA-02-2017-9201

Dear Ms. Schmitz:

By letter dated July 27, 2016, 2016, Cycle Chem, Inc. (Cycle Chem) reported to the U.S. Environmental Protection Agency (EPA) that Consolidated Edison Company of New York, Inc. (ConEd) submitted to them waste which contained regulated levels of polychlorinated biphenyls (PCBs) but was not fully identified as such on the manifest. Around this same time period, ConEd reported to EPA several other issues involving their storage, manifesting, and disposal of PCBs. Based upon our review of the information provided by Cycle Chem and ConEd, EPA determined that ConEd violated the Toxic Substances Control Act (TSCA) and the regulations relating to the storage, manifesting, and disposal of PCBs, codified at 40 C.F.R. Part 761 and promulgated under authority of Section 6 of TSCA, 5 U.S.C. § 2605.

Pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, EPA is authorized to commence civil administrative actions for the assessment of civil penalties for violations of the above cited regulations. However, our Consolidated Rules of Practice, at 40 C.F.R. § 22.13(b), now permit the simultaneous commencement and conclusion of a proceeding without the issuance of a complaint. On February 15, 2017, representatives of ConEd met with EPA to discuss this approach. Based upon that conversation, we proposed, subject to final EPA approval, to settle this matter for \$82,275. A Consent Agreement and Final Order (CAFO) is enclosed to formalize this settlement.

If you agree with this settlement offer, please sign the CAFO provided and return it for further processing within twenty (20) days of receipt to the attention of Ms. Ann Finnegan at the following address:

United States Environmental Protection Agency - Region 2
Pesticides and Toxic Substances Branch
2890 Woodbridge Avenue - MS105
Edison, NJ 08837

A fully executed copy of this document with all signatures will be mailed to you upon issuance. If we are unable to reach an expeditious settlement, EPA is prepared to issue an Administrative Complaint in this matter.

For your information, the EPA PCB Penalty Policy can be found on EPA's website at <http://www2.epa.gov/enforcement/polychlorinated-biphenyls-pcb-penalty-policy>. Please note that the penalties described in this original policy have been adjusted under the Civil Monetary Penalty Inflation Adjustment Rule (82 Fed. Reg. 3633 (January 12, 2017)). The Consolidated Rules of Practice (40 C.F.R. Part 22) can be found on the EPA web site at <http://www.epa.gov/alj/rules-practice-proceedings-administrative-law-judges>. If applicable, EPA's Supplemental Environmental Projects (SEP) Policy can be found on the EPA website at <http://www.epa.gov/enforcement/supplemental-environmental-projects-seps>. Please also consult the notice at <http://www.gpo.gov/fdsys/pkg/CFR-2009-title17-vol2/xml/CFR-2009-title17-vol2-sec229-103.xml> for information on your duty regarding the Securities and Exchange Commission.

If you have any questions regarding the penalty determination or the settlement process, please contact Ms. Finnegan at (732) 906-6177 or by electronic mail at finnegan.ann@epa.gov.

Sincerely,

Dore LaPosta, Director
Division of Enforcement and Compliance Assistance

Enclosure

Administrative Case Initiation Data Form

Draft

EA #:
Date Entered:
ORC Branch:

Complaint Stage
(at time of submittal)

Final

Information

Administrative Docket or Index
Number

TSCA-02-2017-9201

Enforcement Action Name
Additional Respondents,
PRPs, or Defendants

Consolidated Edison Company of New York, Inc.

Site(s):

Enforcement Action Type
Primary Statute/Section Violated
Other Statutes/Sections
CFR Citations:

TSCA 16 Action for Penalty

40 CFR 761.207(a), 40 CFR 761.61, 40 CFR 761.65

Priority Activity

☒ Core Priority

EPA Lead Attorney
EPA Program Contact

Ann Finnegan

DECA-PTSB-TS

(office) 732-906-6177

Violation Type

Violation of PCB rules

Was this action taken in response to a violation found through an inspection?

☐ Yes ☒ No

Was this a Multi-Media action? (check all that apply)

☐ Yes ☒ No

Is the community impacted by the alleged violation(s) different than the location of the Respondent(s)/Defendant(s)?

☐ Yes ☒ No

Do you have reason to believe that environmental justice concerns may be raised?

☐ Yes ☒ No

NextGen element included in final order/settlement?

☐ Yes ☒ No

Was Voluntary Disclosure Policy applied to this action?

☐ Yes ☒ No

In July 2016, Cycle Chem notified EPA that ConEd had shipped them PCB waste that was not fully identified on the manifest. The waste was improperly disposed, but Cycle Chem was held liable and has since paid a penalty. In July 2016, ConEd notified EPA that they had inadvertently shipped similar PCB waste to Clean Earth without identifying it on the manifest - these wastes were diluted, and ultimately disposed in an unauthorized facility. EPA is not seeking removal since the concentrations were non-hazardous at time of disposal. In September 2016, ConEd notified EPA that they had stored PCB waste in excess of the time allowed by regulations. Respondent did not invoke the Audit Policy, since it would not apply. The self-disclosure reductions available under the penalty policy were applied. EPA issued a Show Cause letter with a CAFO included which reflected a penalty of \$82,275.

Proposed Penalty \$129,000.00 (amount sought)

Proposed Cost Recovery \$0.00 (amount sought)

Is this an amended complaint? ☐ Yes ☒ No

Date Complaint/Agreement

Case Conclusion Data Sheet

Draft

EA #:
Date Entered:
ORC Branch:

Information

Case and Facility Information
Court or Administrative Docket
or Index Number

TSCA-02-2017-9201

Enforcement Action Name
Additional Respondents,
PRPs, or Defendants

Consolidated Edison Company of New York, Inc.

Site(s):

Enforcement Action Type
Primary Statute/Section Violated
Other Statutes/Sections
CFR Citations:

TSCA 16 Action for Penalty

40 CFR 761.207(a), 40 CFR 761.61, 40 CFR 761.65

Priority Activity

☒ Core Priority

EPA Lead Attorney
EPA Program Contact

Ann Finnegan

DECA-PTSB-TS

(office) 732-906-6177

Violation Type

Violation of PCB rules

Was this action taken in response to a violation found through an Inspection?

☐ Yes ☒ No

Does the action involve Integrated Planning (IP) remedies consistent with EPA's Integrated
Municipal Stormwater and Wastewater Planning Approach Framework?

☐ Yes ☒ No

Was this a Multi-Media action? (check all that apply)

☐ Yes ☒ No

Is the community impacted by the alleged violation(s) different than the location of the
Respondent(s)/Defendant(s)?

☐ Yes ☒ No

Do you have reason to believe that environmental justice concerns may be raised?

☐ Yes ☒ No

NextGen element included in final order/settlement?

☐ Yes ☒ No

Was Voluntary Disclosure Policy applied to this action?

☐ Yes ☒ No

Was Alternative Dispute Resolution used in this action?

☐ Yes ☒ No

Conclusion Type

Administrative Penalty Order

DATES Milestones: DECA tracks some milestones in the DATES database. If this action is to be tracked in DATES, please indicate.

Does this action have DATES milestones? ☒ Yes ☐ No

Date of Final Order Lodging

Date of Final Order

Estimated Termination Date

Resolution Code

Final Order with Penalty

Complying Action

Complying Action

Removal and Restoration

Total Cost: \$0.00

Type

Units

Media

Type

Units

Media

Type

Units

Media

Reduction of Ongoing Releases

Total Cost: \$0.00

Type

Units

Media

Type

Units

Media

Type

Units

Media

Prevention of Future Releases

Total Cost: \$0.00

Type

Units

Media

Type

Units

Media

Type

Units

Media

Work Practices

Total Cost: \$95,000.00

Type

☐ Manifesting

(Enter additional types
on separate lines)

☐ Recordkeeping

☐ Testing/Sampling

Injunctive Relief - Old Method

Injunctive Relief/Complying Action

Direct Action to Reduce, Eliminate, or Treat Pollutants

Direct Environmental
Reduction

Preventative Actions to Manage Waste Streams or Prevent Releases/Exposures

Preventative

Quantitative Environmental Impact

SEP

SEP(s)

View: SEPsByParentUNID

Penalty**Penalty****Final Assesed Penalty** (Not including value of any SEP)

EPA	\$82,275.00
State and Local Government	\$0.00

Cost Recovery**CERCLA Cost Recovery****Amount of cost recover awarded**

EPA	\$0.00
State and Local Government	\$0.00

Summary**Case Summary**

In July 2016, Cycle Chem notified EPA that ConEd had shipped them PCB waste that was not fully identified on the manifest, but Cycle Chem was held liable and has since paid a penalty. In July 2016, ConEd notified EPA that they had in waste to Clean Earth without identifying it on the manifest - these wastes were solidified, diluted, and ultimately disposed is not seeking removal since the concentrations were non-detect at the time of disposal. In September 2016, ConEd notified EPA of PCB waste in excess of the time allowed by the regulations. Respondent did not invoke the Audit Policy, since it would not have the reductions available in the PCB penalty policy were applied. EPA issued a CAFO which reflected a penalty of \$82,275.

Self Disclosure**Self Disclosure Information**

Disclosure under Audit Policy?	<input type="radio"/> Yes <input checked="" type="radio"/> No
Disclosure under EPA's Small Business Policy?	<input type="radio"/> Yes <input checked="" type="radio"/> No

INVOICE

Description

Frequency Page Due

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Enforcement Action Name: Consolidated Edison Company of New York (ConEd)
Docket Number: TSCA-02-2017-9201

BRANCH CHIEF CHECKLIST		
Case Initiation and/or Case Conclusion Data Sheet(s) is Complete and Accurate [except for order/action signature date] and Attached	<u>Yes</u>	No
Small Business, Federal Facility, National or Regional Priority designations are included, as appropriate	Yes	No <u>(N.A.)</u>
EJ designation, including potential EJ concerns, are identified as appropriate	<u>Yes</u>	No
Was a Next Gen tool included in the settlement?	Yes	<u>No</u>
If yes, please describe the Next Gen tool:		
If not, please describe why a Next Gen tool was not included:		
Penalty Calculations have been reviewed and are correct	<u>Yes</u>	No / N.A.
SEP included in settlement?	Yes	<u>No</u> / N.A.
Does the SEP and/or settlement consider EJ/community concerns?	Yes	No <u>(N.A.)</u>
Please explain if there is a reason <u>EPA</u> does not want a SEP be developed and/or why a SEP is not included:		
<input type="checkbox"/> Administrative burden <input type="checkbox"/> Small environmental staff <input type="checkbox"/> Timing of SEP completion <input type="checkbox"/> Increase overall cost <input type="checkbox"/> Expiration of ALJ deadline with enforcement case moving to litigation <input checked="" type="checkbox"/> Can't identify a SEP <input type="checkbox"/> Expedited settlement <input checked="" type="checkbox"/> Other*		
*Explain reason for other: <u>Respondent declined doing a SEP.</u>		
Does SEP and/or settlement contain sustainability/P2 elements?	Yes	<u>No</u> / N.A.
Environmental Benefit Calculations have been reviewed and are correct	<u>Yes</u>	<u>No</u> / <u>N.A.</u>
Is this a Big Case?	Yes	<u>No</u> / N.A.
Compliance Schedule information to be entered into the DECA "DATES" system within two weeks from effective date of CAFO	<u>Yes</u>	No
Respondent provided with IRS website on SEP tax deductibility (FAPO Only)	Yes	No <u>(N.A.)</u>

Case Information, Penalty Calculations, and Environmental Benefit Calculations	Developed by (initial and date)	Reviewed by (initial and date)
Case Initiation and/or Case Conclusion Data Sheet(s)	AF 5/13/17	SS 5/6/17
Penalty Calculations	AF 5/14/17	SS 5/6/17
Environmental Benefit Calculations (including "complying actions")	AF 5/13/17	SS 5/6/17

OK
6/14/17
Signed

Enforcement Action Concurrence Sheet for RA Signature

ORA
Log # 3833

May 31, 2017

TO:	(Name, office symbol)	Initial	Date	Sign	Date
				Final Action	Final Action
1.	Ann Finnegan, DECA-PTSB-TS	AR	5/31/17	6/5	
2.	Susan Schulz, Chief, DECA-PTSB-TS	SS	6/1/17		
3.	John Gorman, Chief, DECA-PTSB	JS	1/1/17		
4.	ORC (if applicable)				
5. ✓	Kate Anderson DECA-DD (concurrence only)	KA	6/12/17		
6. ✓	Dore LaPosta, DECA-D (concurrence only)	DL	7/10/17		
7.	Catherine McCabe, DRA	CM	7/12/17		

Please return to DECA-PTSB-TS (Edison) for mailing to Respondent

OK signed
6/1/17
imp 6/24/17

8.	Dore LaPosta, DECA-D (signature)				
9.	Catherine McCabe, ORA-DRA (concurrence)				

PLEASE PDF AND SEND TO ERIN FLOTO FOLLOWING DECA-DD SIGNATURE

Please return to DECA-PTSB-TS (Edison) for mailing to Respondent

PCB Consent Agreement

Enforcement Action Name: Consolidated Edison of NY
Docket Number: TSCA-02-2017-9201

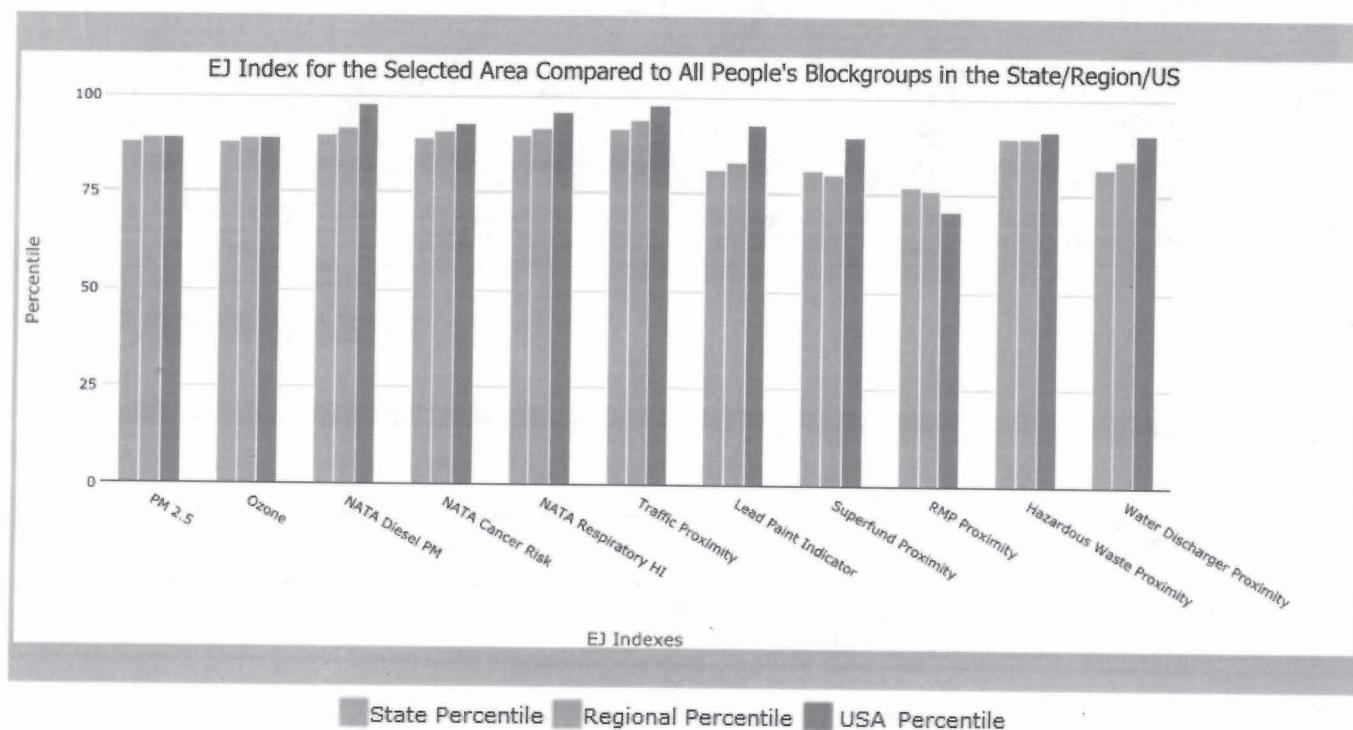
1 mile Ring Centered at 40.766884,-73.832931, NEW YORK, EPA Region 2

Approximate Population: 90,330

Input Area (sq. miles): 3.14

Farrington Flush Station (The study area contains 3 blockgroup(s) with zero population.)

Selected Variables	State Percentile	EPA Region Percentile	USA Percentile
EJ Indexes			
EJ Index for PM2.5	88	89	89
EJ Index for Ozone	88	89	89
EJ Index for NATA* Diesel PM	90	92	98
EJ Index for NATA* Air Toxics Cancer Risk	89	91	93
EJ Index for NATA* Respiratory Hazard Index	90	92	96
EJ Index for Traffic Proximity and Volume	92	94	98
EJ Index for Lead Paint Indicator	81	83	93
EJ Index for Superfund Proximity	81	80	90
EJ Index for RMP Proximity	77	76	71
EJ Index for Hazardous Waste Proximity*	90	90	92
EJ Index for Water Discharger Proximity	82	84	91



This report shows the values for environmental and demographic indicators and EJSCREEN indexes. It shows environmental and demographic raw data (e.g., the estimated concentration of ozone in the air), and also shows what percentile each raw data value represents. These percentiles provide perspective on how the selected block group or buffer area compares to the entire state, EPA region, or nation. For example, if a given location is at the 95th percentile nationwide, this means that only 5 percent of the US population has a higher block group value than the average person in the location being analyzed. The years for which the data are available, and the methods used, vary across these indicators. Important caveats and uncertainties apply to this screening-level information, so it is essential to understand the limitations on appropriate interpretations and applications of these indicators. Please see EJSCREEN documentation for discussion of these issues before using reports.

EJSCREEN Report (Version 2016)



1 mile Ring Centered at 40.766884,-73.832931, NEW YORK, EPA Region 2

Approximate Population: 90,330

Input Area (sq. miles): 3.14

Farrington Flush Station (The study area contains 3 blockgroup(s) with zero population.)

Selected Variables	Value	State Avg.	%ile in State	EPA Region Avg.	%ile in EPA Region	USA Avg.	%ile in USA
Environmental Indicators							
Particulate Matter (PM 2.5 in $\mu\text{g}/\text{m}^3$)	9.67	9.07	63	9.13	64	9.32	54
Ozone (ppb)	45.9	45.6	54	46.2	50	47.4	37
NATA* Diesel PM ($\mu\text{g}/\text{m}^3$)	3.65	2.13	82	1.87	80-90th	0.937	95-100th
NATA* Cancer Risk (lifetime risk per million)	62	45	83	44	80-90th	40	95-100th
NATA* Respiratory Hazard Index	4.2	2.5	84	2.4	80-90th	1.8	95-100th
Traffic Proximity and Volume (daily traffic count/distance to road)	4800	2300	87	1800	90	590	97
Lead Paint Indicator (% Pre-1960 Housing)	0.5	0.57	40	0.52	45	0.3	75
Superfund Proximity (site count/km distance)	0.12	0.22	48	0.29	40	0.13	73
RMP Proximity (facility count/km distance)	0.059	0.2	19	0.24	17	0.43	12
Hazardous Waste Proximity* (facility count/km distance)	0.16	0.13	81	0.13	80	0.11	83
Water Discharger Proximity (facility count/km distance)	0.28	0.59	56	0.53	58	0.31	73
Demographic Indicators							
Demographic Index	68%	38%	82	36%	83	36%	87
Minority Population	87%	43%	78	43%	80	37%	88
Low Income Population	48%	33%	76	30%	79	35%	73
Linguistically Isolated Population	49%	8%	98	8%	98	5%	99
Population With Less Than High School Education	26%	15%	80	14%	82	14%	83
Population Under 5 years of age	4%	6%	37	6%	37	6%	33
Population over 64 years of age	17%	14%	69	14%	70	14%	70

* The National-Scale Air Toxics Assessment (NATA) is EPA's ongoing, comprehensive evaluation of air toxics in the United States. EPA developed the NATA to prioritize air toxics, emission sources, and locations of interest for further study. It is important to remember that NATA provides broad estimates of health risks over geographic areas of the country, not definitive risks to specific individuals or locations. More information on the NATA analysis can be found at: <https://www.epa.gov/national-air-toxics-assessment>.

+ The hazardous waste environmental indicator and the corresponding EJ index will appear as N/A if there are no hazardous waste facilities within 50 km of a selected location.

For additional information, see: www.epa.gov/environmentaljustice

EJSCREEN is a screening tool for pre-decisional use only. It can help identify areas that may warrant additional consideration, analysis, or outreach. It does not provide a basis for decision-making, but it may help identify potential areas of EJ concern. Users should keep in mind that screening tools are subject to substantial uncertainty in their demographic and environmental data, particularly when looking at small geographic areas. Important caveats and uncertainties apply to this screening-level information, so it is essential to understand the limitations on appropriate interpretations and applications of these indicators. Please see EJSCREEN documentation for discussion of these issues before using reports. This screening tool does not provide data on every environmental impact and demographic factor that may be relevant to a particular location. EJSCREEN outputs should be supplemented with additional information and local knowledge before taking any action to address potential EJ concerns.

Finnegan, Ann

From: Lynn L. Bergeson <lbergeson@lawbc.com>
Sent: Wednesday, April 05, 2017 11:10 AM
To: Finnegan, Ann
Cc: David A. Brooks, Esquire
Subject: ConEd
Attachments: M18077 weight ticket.pdf; Cycle Chem Weight ticket.pdf

LYNN L. BERGESON
MANAGING PARTNER
BERGESON & CAMPBELL PC
2200 Pennsylvania Avenue, N.W. Suite 100W | Washington, D.C. 20037
T: 202-557-3801 | F: 202-557-3836 | M: 202-257-2872 | lawbc.com

RE:
Explanation
of Billing

Cox Printers • (908) 928-1010 • Recorder # 88443

417128
H59032 17452

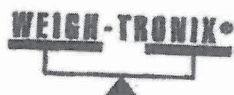
GENERATOR OWN EDISON

MAN. NO. 016335P2CJ1C

TRANSPORTER CVC

VEHICLE ID. VAC-188

DRIVER ON OFF

REMARKS: 827, 829, 828
788, 790, 789, 791, 793
792, 795, 794, 796, 797
798, 799, 800

IN

65420

65420 I R

03:47 PM 10/20/16

45760

OUT

45760 I R

06:24 PM 10/20/16

19660
WEIGHER



A-1 Compaction Transfer
325 Yonkers Ave
Yonkers, NY, 10701

61103
Empty
Ph: (914) 423-2160

Original
Ticket# 735804

Customer Name CONEDISONPRERAY CON EDISON (P Carrier CON EDISON
Ticket Date 11/13/2015 Vehicle# 67742MC
Payment Type Pre-Pay Container
Manual Ticket# Driver
Route State & License 67742MC
Hauling Ticket# Check#
Destination Billing 0016010
POB

Time Scale
In 11/13/2015 07:54:33 Scale 1
Out 11/13/2015 07:54:35

Operator
Exchange
Exchange
* Manual Weight

Inbound Gross
Tare
Net
Tons

192857
192859
192856
192860
192861
40280 lbs

Comments

Product

1 SCW SCALE WEIGHT FEE

100

Load

WESTC

192863
192865
193206

Total Tax
Total Ticket

4.03
Tons

Driver's Signature Erik Schneider Weightmaster

203 WM



A-1 Compaction Transfer
325 Yonkers Ave
Yonkers, NY, 10701

61103
Empty
Ph: (914) 423-2160

Original
Ticket# 759157

Customer Name CONEDISONPRERAY CON EDISON (P Carrier CON EDISON
Ticket Date 07/20/2016 Vehicle# 67742MC
Payment Type Pre-Pay Container
Manual Ticket# Driver
Route State & License 67742MC
Hauling Ticket# Check#
Destination Billing 0016010
POB

Time Scale
In 07/20/2016 19:26:16 Scale 2
Out 07/20/2016 19:26:16

Operator
Exchange
Exchange
* Manual Weight

Inbound Gross
Tare
Net
Tons

48340 lbs
48340 lb

Comments

Product

1 SCW SCALE WEIGHT FEE

100

Load

WESTC

Total Tax
Total Ticket

1.11M

Driver's Signature [Signature] Weightmaster

203 WM

4-5-17

From

Lynn Bergeson
David

Con Ed

sent weigh tickets

Con Ed to Cycle Chem "milk run"
WM ticket

(truck 61103)

vehicle lic #

67742

11/13/15 net 40280~~0~~ lbs

base weight of
empty truck

7/20/16

48340 lbs

Full truck

4.03 tons

actual weight

my chart from
manifest estimate
is off

→ Con Ed paid for 4.03 tons

WM owns scale in Tonkers
where weight was taken

4-5-17

2

Clean Earth is a sub-contractor
to Clean Venture

do not get a bill from
Clean Earth, only CV

ConEd contracts w/ Clean ~~Venture~~
CV contracts with CE
with CChem

ConEd has several contracts
w/ different parts of
ConEd

→ will send less re-drafted
version of bill

to Lyn Bergeson Con Ed

re economic benefit info needed
3-13-2017 message

(message) 4/3/17

Attachment E

* → waste disposal was at
Clean Earth, but the
invoice I received is
from Clean Venture
(the transporter)

↓
dates correct for transport not disposal

→ need an invoice from
Clean Earth that
indicates it is for
disposal

current invoice is from CV (transporter)

→ would like good copies of
manifest from Clean Earth
to GROWS, too
need to figure out total
amount sent

→ total
amounts don't make sense
Con Ed to Cycle Chen
total is 1774 pounds
invoice says ~ tons

need:

- ① good copies of manifests from Clean Earth to GROWS
- ② clarify waste tons to match the ~~gene~~ calculated from manifests
- ③ cost from Clean Earth for disposal at GROWS

LB → OK

need a little time
but will find out

she wants it to make
sense too

Finnegan, Ann

From: Lynn L. Bergeson <lbergeson@lawbc.com>
Sent: Wednesday, April 05, 2017 4:49 PM
To: Finnegan, Ann
Subject: M18077 Manifests
Attachments: SKM_554e17021411550_0001.pdf; SKM_554e17021411550_0003.pdf; SKM_554e17021411550_0005.pdf; SKM_554e17021411550_0007.pdf; SKM_554e17021411550_0009.pdf; SKM_554e17021411550_0011.pdf; SKM_554e17021411550_0013.pdf

Ann,

Pursuant to our earlier conversation earlier today, appended are more legible copies of the manifests you requested.

LYNN L. BERGESON
MANAGING PARTNER

BERGESON & CAMPBELL PC

2200 Pennsylvania Avenue, N.W. Suite 100W | Washington, D.C. 20037
T: 202-557-3801 | F: 202-557-3836 | M: 202-257-2872 | lawbc.com

Grows said
waste is disposed
same day
as received.



NON-HAZARDOUS MANIFEST

P123

NON-HAZARDOUS MANIFEST		1. Generator's US EPA ID No. <i>MSD991291105</i>		Manifest Doc No.		2. Page 1 of <i>1</i>		
3. Generator's Mailing Address: CLEAN EARTH OF NORTH JERSEY 105-115 JACOBUS AVENUE KEARNY NJ 07032 Generator's Phone: 973-344-4004		Generator's Site Address (if different than mailing):		A. Manifest Number WMNA		5125688		
5. Transporter 1 Company Name WMPA Hauling Co <i>Doing it Right Tech</i>		6. US EPA ID Number		C. State Transporter's ID		D. Transporter's Phone		
7. Transporter 2 Company Name		8. US EPA ID Number		E. State Transporter's ID		F. Transporter's Phone		
9. Designated Facility Name and Site Address TULLYTOWN RESOURCE RECOVERY FACILITY 200 BORDENTOWN ROAD TULLYTOWN, PA 19007 PERMIT# 101494 GROWS NORTH LANDFILL 1000 NEW FORD MILL ROAD MORRISVILLE, PA 19067 PERMIT# 101680		10. US EPA ID Number		G. State Facility ID		H. State Facility Phone		
11. Description of Waste Materials		12. Containers		13. Total Quantity	14. Unit Wt./Vol.	I. Misc. Comments		
		No.	Type					
		a. Stabilized Waste						
		WM Profile # 034830						
		b.						
WM Profile #								
c.								
WM Profile #								
d.								
WM Profile #								
J. Additional Descriptions for Materials Listed Above		K. Disposal Location						
		Cell		Level				
		Grid						
15. Special Handling Instructions and Additional Information BOX#								
Purchase Order #		EMERGENCY CONTACT / PHONE NO.: Eileen Field 973-344-4004						
16. GENERATOR'S CERTIFICATE: I hereby certify that the above-described materials are not hazardous wastes as defined by CFR Part 261 or any applicable state law, have been fully and accurately described, classified and packaged and are in proper condition for transportation according to applicable regulations.								
Printed Name <i>JUSTIN P. FARNHAM</i>		Signature "On behalf of" <i>Justin P. Farnham</i>				Month <i>10</i>	Day <i>21</i>	Year <i>16</i>
17. Transporter 1 Acknowledgement of Receipt of Materials		Printed Name <i>Justin P. Farnham</i>				Signature <i>Justin P. Farnham</i>		
						Month <i>10</i>	Day <i>21</i>	Year <i>16</i>
18. Transporter 2 Acknowledgement of Receipt of Materials		Printed Name				Signature		
						Month	Day	Year
19. Certificate of Final Treatment/Disposal		I certify, on behalf of the above listed treatment facility, that to the best of my knowledge, the above-described waste was managed in compliance with all applicable laws, regulations, permits and licenses on the dates listed above.						
20. Facility Owner or Operator: Certification of receipt of non-hazardous materials covered by this manifest.		Printed Name						
		Signature				Month	Day	Year

White- TREATMENT, STORAGE, DISPOSAL FACILITY COPY

Pink- FACILITY USE ONLY

Blue- GENERATOR #2 COPY

Gold- TRANSPORTER #1 COPY

Yellow- GENERATOR #1 COPY



NON-HAZARDOUS MANIFEST

043

NON-HAZARDOUS MANIFEST		1. Generator's US EPA ID No. WTD991291105		Manifest Doc No.		2. Page 1 of 1	
3. Generator's Mailing Address: CLEAN EARTH OF NORTH JERSEY 105-115 JACOBUS AVENUE KEARNY NJ 07032 Generator's Phone: 973-344-4004				Generator's Site Address (if different than mailing):		A. Manifest Number WMNA 5125691	
						B. State Generator's ID	
5. Transporter 1 Company Name WMPA Hauling Co Doing it Right Tech		6. US EPA ID Number		C. State Transporter's ID		D. Transporter's Phone	
7. Transporter 2 Company Name		8. US EPA ID Number		E. State Transporter's ID		F. Transporter's Phone	
9. Designated Facility Name and Site Address TULLYTOWN RESOURCE RECOVERY FACILITY 200 BORDENTOWN ROAD TULLYTOWN, PA 19007 PERMIT# 101494 GROWS NORTH LANDFILL 1000 NEW FORD MILL ROAD MORRISVILLE, PA 19067 PERMIT# 101680		10. US EPA ID Number		G. State Facility ID		H. State Facility Phone	
11. Description of Waste Materials		12. Containers		13. Total Quantity		14. Unit Wt./Vol.	
a. Stabilized Waste WM Profile # 034830		No. Type		Quantity		I. Misc. Comments	
		1 0T 44452		165		10-27	
b. WM Profile #							
c. WM Profile #							
d. WM Profile #							
J. Additional Descriptions for Materials Listed Above		K. Disposal Location		Cell		Level	
				Grid			
15. Special Handling Instructions and Additional Information BOX# Box 47 15632 AS402R							
Purchase Order #				EMERGENCY CONTACT / PHONE NO.: Eileen Field 973-344-4004			
16. GENERATOR'S CERTIFICATE: I hereby certify that the above-described materials are not hazardous wastes as defined by CFR Part 261 or any applicable state law, have been fully and accurately described, classified and packaged and are in proper condition for transportation according to applicable regulations.							
Printed Name JUSTIN P. FARMER		Signature "On behalf of"				Month Day Year 10 01 16	
17. Transporter 1 Acknowledgement of Receipt of Materials							
Printed Name X JULIO P. R...		Signature				Month Day Year	
18. Transporter 2 Acknowledgement of Receipt of Materials							
Printed Name		Signature				Month Day Year	
19. Certificate of Final Treatment/Disposal I certify, on behalf of the above listed treatment facility, that to the best of my knowledge, the above-described waste was managed in compliance with all applicable laws, regulations, permits and licenses on the dates listed above.							
20. Facility Owner or Operator: Certification of receipt of non-hazardous materials covered by this manifest.							
Printed Name		Signature				Month Day Year	

White- TREATMENT, STORAGE, DISPOSAL FACILITY COPY

Pink- FACILITY USE ONLY

Blue- GENERATOR #2 COPY

Gold- TRANSPORTER #1 COPY

Yellow- GENERATOR #1 COPY



Yellow- GENERATOR #1 COPY



NON-HAZARDOUS MANIFEST

P13

NON-HAZARDOUS MANIFEST		1. Generator's US EPA ID No. <i>NJD0991091105</i>		Manifest Doc No.		2. Page 1 of <i>1</i>	
3. Generator's Mailing Address: CLEAN EARTH OF NORTH JERSEY 105-115 JACOBUS AVENUE KEARNY NJ 07032 Generator's Phone: 973-344-4004		Generator's Site Address (if different than mailing):		A. Manifest Number WMNA		5125690	
5. Transporter 1 Company Name WMPA Hauling Co <i>Doing it Right To L</i>		6. US EPA ID Number		C. State Transporter's ID		D. Transporter's Phone	
7. Transporter 2 Company Name		8. US EPA ID Number		E. State Transporter's ID		F. Transporter's Phone	
9. Designated Facility Name and Site Address TULLYTOWN RESOURCE RECOVERY FACILITY 200 BORDENTOWN ROAD TULLYTOWN, PA 19007 PERMIT# 101494 GROWS NORTH LANDFILL 1000 NEW FORD MILL ROAD MORRISVILLE, PA 19067 PERMIT# 101680		10. US EPA ID Number		G. State Facility ID		H. State Facility Phone	
11. Description of Waste Materials		12. Containers		13. Total Quantity		14. Unit Wt./Vol.	
a. Stabilized Waste WM Profile # 034830		No. Type		Quantity		I. Misc. Comments	
b.							
c.							
d.							
J. Additional Descriptions for Materials Listed Above		K. Disposal Location		Cell		Level	
				Grid			
15. Special Handling Instructions and Additional Information BOX# <i>Box 63 18372 AT420E</i>							
Purchase Order #				EMERGENCY CONTACT / PHONE NO.: Eileen Field 973-344-4004			
16. GENERATOR'S CERTIFICATE: I hereby certify that the above-described materials are not hazardous wastes as defined by CFR Part 261 or any applicable state law, have been fully and accurately described, classified and packaged and are in proper condition for transportation according to applicable regulations.							
Printed Name <i>Justin P. Farnham</i>		Signature "On behalf of" <i>Justin P. Farnham</i>		Month <i>10</i>		Day <i>27</i>	
17. Transporter 1 Acknowledgement of Receipt of Materials		Printed Name <i>WMPA Hauling Co</i>		Signature <i>WMPA Hauling Co</i>		Month <i>10</i>	
18. Transporter 2 Acknowledgement of Receipt of Materials		Printed Name		Signature		Month <i>10</i>	
19. Certificate of Final Treatment/Disposal		I certify, on behalf of the above listed treatment facility, that to the best of my knowledge, the above-described waste was managed in compliance with all applicable laws, regulations, permits and licenses on the dates listed above.		Month		Day	
20. Facility Owner or Operator: Certification of receipt of non-hazardous materials covered by this manifest.		Printed Name		Signature		Month	
						Day	
						Year	

White- TREATMENT, STORAGE, DISPOSAL FACILITY COPY

Pink- FACILITY USE ONLY

Blue- GENERATOR #2 COPY

Gold- TRANSPORTER #1 COPY

Yellow- GENERATOR #1 COPY



NON-HAZARDOUS MANIFEST A13

NON-HAZARDOUS MANIFEST		1. Generator's US EPA ID No. <i>NTD991891105</i>		Manifest Doc No.		2. Page 1 of <i>1</i>					
3. Generator's Mailing Address: CLEAN EARTH OF NORTH JERSEY 105-115 JACOBUS AVENUE KEARNY NJ 07032 Generator's Phone: 973-344-4004		Generator's Site Address (if different than mailing):		A. Manifest Number WMNA		5125693					
				B. State Generator's ID							
5. Transporter 1 Company Name <i>WMPA Hauling Co</i>		6. US EPA ID Number		C. State Transporter's ID		D. Transporter's Phone					
7. Transporter 2 Company Name		8. US EPA ID Number		E. State Transporter's ID		F. Transporter's Phone					
9. Designated Facility Name and Site Address TULLYTOWN RESOURCE RECOVERY FACILITY 200 BORDENTOWN ROAD TULLYTOWN, PA 19007 PERMIT# 101494 GROWS NORTH LANDFILL 1000 NEW FORD MILL ROAD MORRISVILLE, PA 19067 PERMIT# 101680		10. US EPA ID Number		G. State Facility ID		H. State Facility Phone					
11. Description of Waste Materials a. Stabilized Waste WM Profile # 034830 b. WM Profile # c. WM Profile # d. WM Profile #		12. Containers No. Type		13. Total Quantity		14. Unit Wt./Vol.		15. Misc. Comments			
J. Additional Descriptions for Materials Listed Above		K. Disposal Location		Cell		Level					
				Grid							
15. Special Handling Instructions and Additional Information BOX# <i>Box 46 15625 15394R</i>											
Purchase Order # _____ EMERGENCY CONTACT / PHONE NO.: Eileen Field 973-344-4004											
16. GENERATOR'S CERTIFICATE: I hereby certify that the above-described materials are not hazardous wastes as defined by CFR Part 261 or any applicable state law, have been fully and accurately described, classified and packaged and are in proper condition for transportation according to applicable regulations. Printed Name <i>JUSTIN C. FARNHAM</i> Signature "On behalf of" <i>Justin C. Farnham</i> Month <i>10</i> Day <i>21</i> Year <i>16</i>											
17. Transporter 1 Acknowledgement of Receipt of Materials Printed Name _____ Signature _____ Month _____ Day _____ Year _____											
18. Transporter 2 Acknowledgement of Receipt of Materials Printed Name _____ Signature _____ Month _____ Day _____ Year _____											
19. Certificate of Final Treatment/Disposal I certify, on behalf of the above listed treatment facility, that to the best of my knowledge, the above-described waste was managed in compliance with all applicable laws, regulations, permits and licenses on the dates listed above.											
20. Facility Owner or Operator: Certification of receipt of non-hazardous materials covered by this manifest. Printed Name _____ Signature _____ Month _____ Day _____ Year _____											

White- TREATMENT, STORAGE, DISPOSAL FACILITY COPY

Pink- FACILITY USE ONLY

Blue- GENERATOR #2 COPY

Gold- TRANSPORTER #1 COPY

Yellow- GENERATOR #1 COPY



NON-HAZARDOUS MANIFEST

NON-HAZARDOUS MANIFEST		1. Generator's US EPA ID No. <i>MTD991291105</i>		Manifest Doc No.		2. Page 1 of <i>1</i>			
3. Generator's Mailing Address: CLEAN EARTH OF NORTH JERSEY 105-115 JACOBUS AVENUE KEARNY NJ 07032 Generator's Phone: 973-344-4004				Generator's Site Address (if different than mailing):		A. Manifest Number WMNA 5125694			
5. Transporter 1 Company Name <i>WMPA Hauling Co</i> <i>Doing it Right Tech</i>				6. US EPA ID Number		C. State Transporter's ID			
7. Transporter 2 Company Name				8. US EPA ID Number		D. Transporter's Phone			
9. Designated Facility Name and Site Address TULLYTOWN RESOURCE RECOVERY FACILITY 200 BORDENTOWN ROAD TULLYTOWN, PA 19007 PERMIT# 101494 GROWS NORTH LANDFILL 1000 NEW FORD MILL ROAD MORRISVILLE, PA 19067 PERMIT# 101680				10. US EPA ID Number		E. State Transporter's ID			
						F. Transporter's Phone			
						G. State Facility ID			
						H. State Facility Phone			
GENERATOR	11. Description of Waste Materials			12. Containers		13. Total Quantity	14. Unit Wt./Vol.	I. Misc. Comments	
	a. Stabilized Waste			No.	Type				
	WM Profile # 034830			<i>1</i>	<i>DT</i>	<i>44600</i>	<i>lbs</i>		
	b.								
	WM Profile #								
	c.								
TRANSPORTER	d.								
	WM Profile #								
	J. Additional Descriptions for Materials Listed Above			K. Disposal Location					
				Cell		Level			
				Grid					
FACILITY	15. Special Handling Instructions and Additional Information BOX# <i>Box 48 15633 AS460R</i>								
	Purchase Order #				EMERGENCY CONTACT / PHONE NO.: Eileen Field 973-344-4004				
	16. GENERATOR'S CERTIFICATE: I hereby certify that the above-described materials are not hazardous wastes as defined by CFR Part 261 or any applicable state law, have been fully and accurately described, classified and packaged and are in proper condition for transportation according to applicable regulations.								
	Printed Name <i>JUSTIN P FARNHAM</i>				Signature "On behalf of"		Month <i>10</i>	Day <i>20</i>	Year <i>16</i>
	17. Transporter 1 Acknowledgement of Receipt of Materials				Signature		Month <i>10</i>	Day <i>21</i>	Year <i>16</i>
	Printed Name <i>Ahmed Aladul</i>				Signature				
FACILITY	18. Transporter 2 Acknowledgement of Receipt of Materials				Signature		Month	Day	Year
	Printed Name				Signature				
	19. Certificate of Final Treatment/Disposal				Signature		Month	Day	Year
	I certify, on behalf of the above listed treatment facility, that to the best of my knowledge, the above-described waste was managed in compliance with all applicable laws, regulations, permits and licenses on the dates listed above.				Signature				
20. Facility Owner or Operator: Certification of receipt of non-hazardous materials covered by this manifest.				Signature		Month	Day	Year	
Printed Name				Signature					

White- TREATMENT, STORAGE, DISPOSAL FACILITY COPY

Pink- FACILITY USE ONLY

Blue- GENERATOR #2 COPY

Gold- TRANSPORTER #1 COPY

Yellow- GENERATOR #1 COPY



NON-HAZARDOUS MANIFEST

NON-HAZARDOUS MANIFEST		1. Generator's US EPA ID No. <i>NY1991791105</i>	Manifest Doc No.		2. Page 1 of <i>1</i>
3. Generator's Mailing Address: CLEAN EARTH OF NORTH JERSEY 105-115 JACOBUS AVENUE KEARNY NJ 07032 Generator's Phone: 973-344-4004		Generator's Site Address (if different than mailing):		A. Manifest Number WMNA	5125692
5. Transporter 1 Company Name WMPA Hauling Co <i>Don't forget to call</i>		6. US EPA ID Number		B. State Generator's ID	
7. Transporter 2 Company Name		8. US EPA ID Number		C. State Transporter's ID	
9. Designated Facility Name and Site Address TULLYTOWN RESOURCE RECOVERY FACILITY 200 BORDENTOWN ROAD TULLYTOWN, PA 19007 PERMIT# 101494 GROWS NORTH LANDFILL 1000 NEW FORD MILL ROAD MORRISVILLE, PA 19067 PERMIT# 101680		10. US EPA ID Number		D. Transporter's Phone	
				E. State Transporter's ID	
				F. Transporter's Phone	
				G. State Facility ID	
				H. State Facility Phone	
11. Description of Waste Materials		12. Containers		13. Total Quantity	14. Unit Wt./Vol.
a. Stabilized Waste		No.	Type		
WM Profile # 034830		<i>1</i>	<i>DTCK/800 lbs</i>		<i>ED27</i>
b.					
WM Profile #					
c.					
WM Profile #					
d.					
WM Profile #					
J. Additional Descriptions for Materials Listed Above		K. Disposal Location			
		Cell		Level	
		Grid			
15. Special Handling Instructions and Additional Information BOX# <i>Box 34 15203 15592V</i>					
Purchase Order #		EMERGENCY CONTACT / PHONE NO.: Eileen Field 973-344-4004			
16. GENERATOR'S CERTIFICATE: I hereby certify that the above-described materials are not hazardous wastes as defined by CFR Part 261 or any applicable state law, have been fully and accurately described, classified and packaged and are in proper condition for transportation according to applicable regulations.					
Printed Name <i>JUSTIN C. FARNHAM</i>		Signature "On behalf of"		Month <i>10</i>	Day <i>01</i>
				Year <i>16</i>	
17. Transporter 1 Acknowledgement of Receipt of Materials		Printed Name <i>Josephine D...</i>		Month <i>10</i>	Day <i>01</i>
		Signature		Year <i>16</i>	
18. Transporter 2 Acknowledgement of Receipt of Materials		Printed Name		Month	Day
		Signature		Year	
19. Certificate of Final Treatment/Disposal I certify, on behalf of the above listed treatment facility, that to the best of my knowledge, the above-described waste was managed in compliance with all applicable laws, regulations, permits and licenses on the dates listed above.					
20. Facility Owner or Operator: Certification of receipt of non-hazardous materials covered by this manifest.					
Printed Name		Signature		Month	Day
				Year	

White- TREATMENT, STORAGE, DISPOSAL FACILITY COPY

Pink- FACILITY USE ONLY

Blue- GENERATOR #2 COPY

Gold- TRANSPORTER #1 COPY

Yellow- GENERATOR #1 COPY

Finnegan, Ann

From: Lynn L. Bergeson <lbergeson@lawbc.com>
Sent: Wednesday, May 03, 2017 4:20 PM
To: Finnegan, Ann
Subject: Estimated Costs

Hello Ann:

In response to your question, ConEd offers the following estimated costs for the corrective measures that have been identified:

- Updated yellow tag procedure training: \$72,000
- Training on new manifest procedure for comingled PCB wastes: \$2500
- Update to internal electronic tracking system and employee training for coal tar wrap: \$14,000
- Additional sampling of the solid waste piles at the Farrington flush facility from August 2016 through the end of 2017: \$6,500.

The total estimated cost for these corrective actions is \$95,000.

Please let us know if you need any additional information.

Thank you,

Lynn

LYNN L. BERGESON
MANAGING PARTNER
BERGESON & CAMPBELL PC
2200 Pennsylvania Avenue, N.W. Suite 100W | Washington, D.C. 20037
T: 202-557-3801 | F: 202-557-3836 | M: 202-257-2872 | lawbc.com

Lynn L. Bergeson
phone: 202.557.3801
lbergeson@lawbc.com

BERGESON & CAMPBELL PC



March 13, 2017

Via E-Mail

Ms. Ann Marie Finnegan
TSCA Enforcement Coordinator
U.S. Environmental Protection Agency
Region 2
2890 Woodbridge Avenue
Mail Code MS105
Edison, NJ 08837-3679

Dear Ann:

On behalf of Consolidated Edison Company of New York, Inc. (Con Edison) we wish to thank you and your colleagues for a productive meeting in your offices on February 15, 2017. During that meeting, you requested that Con Edison prepare brief summaries of the corrective measures it has implemented to address the four instances of alleged non-compliance with certain Toxic Substances Control Act (TSCA) polychlorinated biphenyl (PCB) regulations that the U.S. Environmental Protection Agency (EPA) has asserted. These summaries, and supporting materials, are attached to this letter. Attached as Attachment D is an invoice and related documents for the disposal of the comingled PCB and non-PCB waste that was transported to Cycle Chem on July 21, 2016. Attached as Attachment E is an invoice related to the disposal of waste from M18077. As the invoices contain confidential and proprietary pricing and contract information, Con Edison is claiming the invoices as **TSCA Confidential Business Information** and the documents are so marked. We request that EPA maintain this status.

As we discussed at our meeting, Con Edison takes its environmental compliance responsibilities seriously and is proud of the extraordinarily devoted team of professionals tasked with ensuring Con Edison's large and complicated power system is running optimally and in compliance with applicable laws and regulations. Con Edison believes the measures identified in the attached materials make the Company's day-to-day operations all the stronger, and address comprehensively the deficiencies identified by EPA.

Please let me know if you have any questions.

Sincerely,

Lynn L. Bergeson

Attachments

2200 Pennsylvania Avenue, NW, Suite 100W
Washington, DC 20037-1701

phone: 202.557.3800
fax: 202.557.3836

www.lawbc.com

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Subject: M18077 Non-TSCA Manifesting and Disposal Corrective Action Summary

To address this incidence of noncompliance with internal requirements related to the management of TSCA regulated PCBs, Con Edison has provided and/or arranged for updated training on Con Edison's General Environmental, Health and Safety Instruction E03.06 titled "Environmental Tagging Underground and Overhead Structures," which has been given to relevant employees in electric operations and contractor personnel who assist with flushing and cleaning Con Edison underground structures. This Instruction prescribes the Company's Yellow Tag Procedure used to identify underground structures with open spills, including PCB spills, and the procedures for obtaining information on the nature of such spills. This training will be given to new employees and contractors tasked with this function and on an annual basis thereafter.

Subject: Corrective Action to Indicate TSCA-Regulated Material on Manifests Due to Contact with PCB Waste

To improve manifesting of comingled PCB wastes when non-PCB waste from an underground structure or other point of generation comes in contact with regulated PCB waste from a separate Con Edison underground structure or point of generation in a Con Edison owned or controlled tanker truck, Con Edison shall, at the time when such wastes are comingled, insert the following description, or similar notation, in Box 14 on such Uniform Hazardous Waste Manifest (Form Approved OMB No. 2050-0039) which does not already identify PCB Wastes:

Manage as TSCA regulated material due to contact with PCBs in shipment as indicated on manifest # _____ (insert the manifest number of the regulated PCB waste manifest).

Subject: Coal Tar Wrap Storage Corrective Action Summary

To further compliance with the EPA approval allowing Con Edison to store pipe coated with coal tar wrap that may contain 50 ppm or greater PCBs for up to 180 days, Con Edison has completed the following actions:

- 1) Revised the inspection form to add the required shipment date in a manner that is prominently displayed on the form;
- 2) Added "ship by" date label on roll-off containers with coal tar wrapped gas pipe;
- 3) Re-trained relevant employees on Con Edison's General Environmental, Health and Safety Instruction E07.24 titled "Handling of PCB Solid Applications," which addresses the handling of coal tar wrap;

- 4) Enhanced the internal electronic tracking system to provide automatic escalating notifications of any upcoming expiration of the 180 day storage period; and
- 5) Arranged for notifications from transporter to pick up roll-off 150 days after delivery of roll-off container.

For your reference, attached as Attachment A, is a copy of the updated inspection form and a picture of a roll-off container containing coal tar wrapped gas pipe with the new "ship by" date label, attached as Attachment B.

Subject: Farrington Street Flush Truck Waste Transfer Facility Corrective Action Summary

To augment Con Edison's waste characterization efforts associated with the solid waste piles at the Company's flush truck facilities, including the identification of PCBs, Con Edison has established a new sampling protocol. The new sampling protocol includes taking composite samples at two intervals: first when the solid waste piles are half full and then again when the solid waste piles are full. The previous protocol involved taking composite samples after the solid waste piles were deemed full. In addition, a backhoe will be used as a best management practice to obtain samples from the middle and back of the piles when operationally feasible. This new sampling protocol went into effect on August 11, 2016 at Farrington and is now in effect at the Company's other flush truck facilities.

A copy of the revised protocol, "Sampling Requirements for Solid Debris Piles" from Con Edison's General Environmental, Health and Safety Instruction E04.03 titled "Flush Truck Facilities Operation and Maintenance," is attached for your reference as Attachment C.

Attachments

Stores Operations Weekly Inspection Log

PCB-Contaminated Coal Tar Wrap Waste in 20 Cubic Yard Roll-Off Co

FACILITY: _____

ADDRESS : _____

FORM INSTRUCTIONS:

- 1) Start a new log form when a new container is received
- 2) Container must be picked up for disposal within 180 days from accumulation start date (**CALL VENDOR FOR PICKUP AT 150 DAYS**)
- 3) This form must be kept at a Warehouse Office for three years from the date the waste is picked up for disposal
- 4) Type of Waste must only be Pipe Coated with PCB-Contaminated Coal Tar Wrap or Loose Pieces of PCB-Contaminated Coal Tar Wrap
- 5) Every container must have a unique ID number. Create an EMIS container number using wastestream "S00009" and list below.
- 6) Contact Supervisor or EH&S for help or with any concerns

EMIS CONTAINER # _____ DATE CONTAINER RECEIVED: _____ OUT OF SERVICE DATE: _____
 DATE CONTAINER RECEIVED + 150 DAYS = _____ DATE CONTAINER RECEIVED + 180 DAYS = _____

Inspection Date	"Coal Tar Warp" sign posted on location? Y/N	Aisle space around container OK for inspection & emergency response? Y/N	PCB M _L labels on all 4 sides of container? Y/N	"Non Hazardous PCB Bulk Product Waste" signs on all 4 sides of container? Y/N	Container properly covered to prevent precipitation from entering? Y/N	Container liner in place? Y/N	Container free of any liquids? Y/N	Container free of corrosion that could result in leakage? Y/N	Container free of leaks? Y/N (If container leaking, report spill to EH&S control desk immediately at 212-580-8383)	Total volume of waste in container (empty, ¼ full, ½ full, ¾ full, full)	Move by date on label? Y/N	Container remaining in service? Y/N (If NO, enter details below)	Inspector Initials

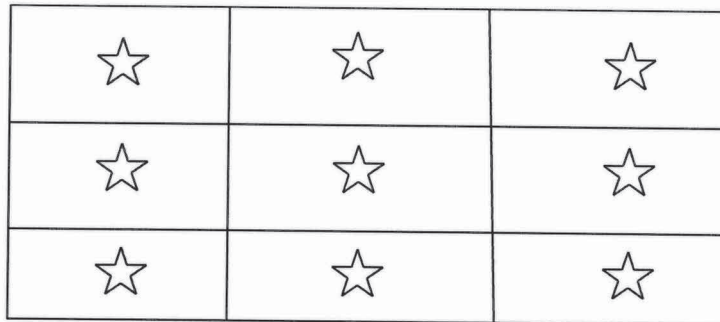
List corrective actions taken for any questions answered "NO": _____

Date Removed For Disposal: _____ Disposal Facility: _____



ATTACHMENT 2: SAMPLING REQUIREMENTS FOR SOLID DEBRIS PILES

Solid debris piles must be sampled when the pile is half full and when it is completely full using the same sampling protocol. Composite samples will consist of a minimum of 9 grab sample locations. Sampler must utilize a sampling tool (e.g. tier) to obtain solids from varying depths. Utilize a backhoe or other tool/means to obtain samples from the middle and back of piles.

**TOP VIEW OF SOLID DEBRIS PILE**

☆ = grab sample locations used to make up composite

Finnegan, Ann

From: Finnegan, Ann
Sent: Monday, February 13, 2017 2:44 PM
To: lbergeson@lawbc.com
Subject: information request

Lynn,

I apologize for springing this on you at the last moment, but can I ask that you bring some cost information to our meeting?

Specifically, EPA would like to know ConEd's cost of disposal for the material that was :

(1) sent to Cycle Chem on the eight manifests that are the topic of our discussion (7-16-16 to 7-19-16). It was a total of 791 kg of material that was "converted" to 91,625 kg through comingling and stabilization and then disposed at the GROWS facility(s) in PA

(2) sent to Clean Earth on the sixteen manifests that are the topic of our further discussion (10-13-16 to 10-20-16). It was a total of 13,791 kg that was "converted" through comingling and stabilization and then disposed at the GROWS facility(s) in PA. I do not yet have clear copies of the manifests from Clean Earth to GROWS, and so do not know the full final amount of material disposed. If ConEd has these manifests, I would ask that you bring them along also.

If you have questions on this request, please feel free to contact me.

Ann

Ann Finnegan, TSCA Enforcement Coordinator
USEPA Region 2
2890 Woodbridge Avenue
Edison, NJ 08837
(732) 906-6177 fax (732) 321-6788
finnegan.ann@epa.gov

Finnegan, Ann

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